

# PARLIAMENTARY OVERSIGHT OF THE SECURITY SECTOR AND ONGOING CHALLENGES

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## INTRODUCTION

Security agencies are characterised by a high degree of secrecy due to the specific nature of their activities, which, in the absence of appropriate oversight, increases the risks of abuse of power and violation of human rights by the security services. To protect against the threats arising from the broad mandate and secretive nature of the security agencies, democratic societies entrust national parliaments with broad powers of democratic oversight as oversight carried out by representative bodies has an especially high level of “democratic legitimacy”.

The powers of the Parliament of Georgia in terms of oversight of security agencies are inadequate. Moreover, in many cases, the parliamentary opposition is not able to use fully even those relatively scarce oversight mechanisms of the security sector that are established by the Rules of Parliament of Georgia.

This report covers the one-year monitoring period of parliamentary oversight of the security sector. It analyses and critically evaluates the following mechanisms of parliamentary oversight of and control over the security agencies of Georgia: the powers of the Defence and Security Committee and the Trust Group, the mechanisms of an MP’s written questions and interpellation, the mechanism of summoning the accountable official to the plenary and committee sessions, and temporary investigative commissions. The findings developed as a result of the monitoring are presented.

As a result of a one-year monitoring of parliamentary activity, it is obvious that parliamentary oversight of the security sector remains ineffective. This is primarily due to the lack of political will. In 2023, the limited oversight mechanisms afforded to the parliamentary opposition and the majority’s attempt to prevent the opposition from exercising parliamentary oversight remained challenging. The low degree of accountability of the relevant agency was also problematic. Despite being duly summoned, the Minister of Internal Affairs did not attend a committee session. However, unlike previous years, the Minister of Internal Affairs was summoned to the parliament by way of interpellation for the first time. Furthermore, unlike the previous years, the mechanism of summoning a security sector agency to the committee was put

into motion; the Minister of Defence, at the initiative of the opposition faction, appeared at the session.

The first chapter of the document explains the methodology used for developing the document. The second chapter analyses the importance of parliamentary oversight of the security agencies, the legislative amendments carried out in this regard and the existing challenges. The third chapter addresses the use of mechanisms of parliamentary oversight of the security sector and practical challenges in this regard. The fourth chapter of the report covers the challenges related to the deliberations of the activity report of the State Security Service at the plenary session of the parliament, and the respective findings are given at the end.

## 1. METHODOLOGY

The report discusses parliamentary oversight mechanisms concerning the security sector of Georgia, how frequently these mechanisms are used and how effective they are. The report also assesses the degree of accountability of security agencies. The document, among other important issues, discusses the legislative amendments aimed at improving parliamentary oversight within the framework of the implementation of the 12 recommendations made by the European Commission<sup>1</sup> and the challenges related to their implementation. Despite the mostly positive amendments made to the Rules of Parliament of Georgia since 2018 in terms of increasing the accountability of state agencies, the report presents a number of challenges from a practical viewpoint.

For the purposes of the present report, the security sector includes the State Security Service of Georgia, the Ministry of Internal Affairs of Georgia and the Ministry of Defence of Georgia. The report provides a one-year assessment and covers the period from 1 January 2023 to 31 December 2023.

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<sup>1</sup> ec.europa.eu (webpage), Opinions and Recommendations, 2022, [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_22\\_3800](https://ec.europa.eu/commission/presscorner/detail/en/qanda_22_3800).

The research is based on the information published on the website of the Parliament of Georgia and the data obtained by the Democracy Research Institute through a request for public information, in particular, how often the Parliament of Georgia uses the mechanisms provided by the Rules of Parliament with regard to the State Security Service, the Ministry of Defence and the Ministry of Internal Affairs. The research was developed based on studies of applicable legal regulations on oversight/control and analysis of the information/data posted on the website of public institutions.

Considering the goals and tasks of the project, the following methodology was used in the development of the report:

**PROCESSING AND ANALYSING DATA** – at the initial stage of the research, we made the list of normative acts to study and processed the data obtained by requesting public information from public agencies.

**DESK RESEARCH** – we gathered and analysed public data published by administrative bodies and used it in the research process. Furthermore, we used reports of other public and international organisations in the report.

**INTERVIEWS** - We conducted interviews with representatives of parliamentary factions/political groups to get an insight into the challenges linked to the implementation of parliamentary oversight of the security sector.

## 2. IMPORTANCE OF PARLIAMENTARY OVERSIGHT OF SECURITY AGENCIES

The security sector in this report includes all institutions and structures of the security sector whose duty it is to protect society from crime, disorder and violence.<sup>2</sup> In order to fulfil this task, they have a wide range of powers. One of the important characteristics of the agencies within the security sector is the high degree of secrecy of information.

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<sup>2</sup> securitysectorintegrity.com (webpage), <https://securitysectorintegrity.com/institutions-and-organisations/security-sector/>.

In non-democratic regimes, security services are used to suppress free thought, political opponents and freedom of speech. In such systems, security services have a broad mandate and unchecked powers. After the establishment of democratic governance, one of the most important challenges for the authorities is the creation of legal and institutional mechanisms to prevent possible violations of human rights by security services.<sup>3</sup>

The Geneva Centre for Security Sector Governance (DCAF) discusses the importance of reform and implementation of the principles of good governance in the security sector.<sup>4</sup> Among the principles of good governance, special importance is given to democratic oversight of agencies in the security sector, and the accountability and transparency of these structures.

The main goal of regulating effective oversight mechanisms by legislation and actively using them in practice is to use the mandate of security agencies in accordance with law, evaluate their activities, by issuing recommendations, improve their activities and reduce the risks of the abuse of their power.

## **2.1. AMENDMENTS MADE TO THE RULES OF PARLIAMENT OF GEORGIA SINCE 2018**

On 6 December 2018, at an extraordinary session, the Parliament of Georgia passed the new Rules of Parliament of Georgia, after the third reading, with 77 votes. According to the Explanatory Memorandum, the main reason behind adopting the new Rules of Parliament was to make the legislative body a stronger institution. The main amendments made to the Rules of Parliament concern the strengthening of the oversight function of the parliament, including oversight of the agencies in the security and defence sectors, the improvement of the legislative process, changing the structure of the parliament and increasing the accountability of the parliament itself.<sup>5</sup> The

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<sup>3</sup> Hans Born and Ian Leigh, Democratic Accountability of Intelligence Services, 2005, p. 34, [https://www.dcaf.ch/sites/default/files/publications/documents/hb\\_makingintel\\_georgian.pdf](https://www.dcaf.ch/sites/default/files/publications/documents/hb_makingintel_georgian.pdf).

<sup>4</sup> dcaf.ch (webpage), Security Sector Reform, 2019, [https://www.dcaf.ch/sites/default/files/publications/documents/DCAF\\_BG\\_02\\_SecuritySectorReform\\_Nov2022.pdf](https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_02_SecuritySectorReform_Nov2022.pdf).

<sup>5</sup> parliament.ge (webpage), <https://info.parliament.ge/file/1/BillReviewContent/207085>.

new Rules of Parliament introduced new operating mechanisms of oversight and refined the previously existing ones.

Despite the positive changes, in response to the considerable challenges to the democratic oversight of the state security agencies, on 17 June 2022, the European Commission set the improvement of parliamentary oversight as one of the priorities of the Georgian authorities.<sup>6</sup> Therefore, in 2022, there was a possibility for the working groups set up in the Parliament of Georgia and tasked with the implementation of the European Commission's recommendations to make substantial steps in terms of enhancing democratic oversight of the security sector. The working groups did not avail themselves of this possibility, i.e., the working group set-up under the Procedural Issues and Rules Committee as well as a working group set-up under the Defence and Security Committee refused to discuss the recommendations prepared by public organisations.

On 8 June 2023, the European Commission pointed out the challenges related to the democratic oversight of the security sector of Georgia and, in its annual Enlargement Package, instructed the Georgian authorities to enhance the level of parliamentary oversight of the respective agencies.<sup>7</sup>

Mechanisms of parliamentary oversight and legislative amendments made to the Rules of Parliament of Georgia since 2018 and aimed at enhancing parliamentary oversight are discussed below.

## TRUST GROUP

In 2018, before the implementation of the new Rules of the Parliament, law determined the activities and powers of the Trust Group.<sup>8</sup> Some provisions of the Law of Georgia on the Trust Group have been moved into the new Rules of Parliament of Georgia. For example, the composition of the Trust Group

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<sup>6</sup> ec.europa.eu (webpage), the 2<sup>nd</sup> priority of the European Commission – to strengthen parliamentary oversight of accountable agencies, 2022, [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_22\\_3800](https://ec.europa.eu/commission/presscorner/detail/en/qanda_22_3800).

<sup>7</sup> Europa.eu (webpage), Annual Report of the European Commission on Enlargement Policy with regard to Georgia, 08.11.2023, <https://op.europa.eu/en/publication-detail/-/publication/86d42452-7eee-11ee-99ba-01aa75ed71a1/language-en>.

<sup>8</sup> The Law of Georgia on the Trust Group has been invalidated, 06.12.2018, N3875, <https://matsne.gov.ge/ka/document/view/32428?publication=12>.

and the manner of its staffing, the procedure for vetting a person nominated as a member of the Trust Group remained the same.

Unlike the invalidated law, it became possible to visit other agencies for the purpose of inspection. A provision has been introduced in the current Rules of Parliament, under which the Trust Group is obliged to apply to the investigative body in the event of identifying elements of crime while exercising its authority and to attach the case-files available to the referral. Under the invalidated law, this obligation existed only in relation to the Operational Technical Agency.

In November 2022, within the framework of fulfilling the 12 priorities of the European Commission, amendments were made to the Rules of Parliament. The working groups set up under the parliamentary committees did not deliberate on the recommendations of the Democracy Research Institute regarding the work of the Trust Group, which would make the mechanism of parliamentary oversight of the security services more flexible and effective.

In a report published on 8 November 2023,<sup>9</sup> the European Commission noted that parliamentary oversight of the security services, including through the Trust Group, is limited and only three members of the majority participate in sessions. As a result, the government of Georgia identified the strengthening of oversight of the security services as one of the mandatory measures to be carried out.

## MINISTER'S HOUR

The Minister's Hour is a new practice introduced by the 2018 Rules of Parliament. The Minister's Hour refers to the delivery of an annual report by a member of the Government of Georgia (except the Prime Minister of Georgia) at the plenary session of the parliament on the relevant aspects of the implementation of the government programme.

As a part of the implementation of the recommendations of the European Commission and under the amendment made to Article 153 of the Rules of Parliament, the minister is obliged to submit the corresponding report to the

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<sup>9</sup> Europa.eu (webpage), Annual Report of the European Commission on Enlargement Policy with regard to Georgia, p. 15 08.11.2023, <https://op.europa.eu/en/publication-detail/-/publication/86d42452-7eee-11ee-99ba-01aa75ed71a1/language-en>.

parliament in written form no later than 5 days before the speech at the plenary session.<sup>10</sup> This amendment allowed Members of Parliament to determine in advance the content of the questions that they would ask the minister at the plenary session.

## PROCEDURE FOR HOLDING POLITICAL DEBATES

The new Rules of Parliament of Georgia determined a different procedure for holding political debates. Under the previous version of the Rules of Parliament,<sup>11</sup> the factions, the majority and the minority, had the right to submit a one-time request to hold a political debate during the plenary work cycle, and the consent of at least one-third of the full composition of the parliament was required to reach a decision. Under the new Rules of Parliament, the number of political debates has been increased (once a month) and, for holding a political debate, it is sufficient to have a request by at least one-fifth of the full composition of the parliament.<sup>12</sup>

## TEMPORARY INVESTIGATIVE COMMISSIONS

The new Rules of Parliament introduced a different regulation of the procedure for setting up a temporary investigative commission and its powers. Under the previous version of the Rules of Parliament of Georgia, several stages of procedures were necessary to set up a temporary investigative commission, and the majority of the Members of Parliament made the decision.<sup>13</sup> The new Rules of Parliament vested the one-fifth of the Members of Parliament with the authority to initiate a proposal for setting up a temporary investigative commission. The consent of one-third of the full composition is required for the final decision. Under the Rules of Parliament, the representation of the opposition in the commission should not be less

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<sup>10</sup> The Rules of Parliament, Article 153.1, <https://matsne.gov.ge/ka/document/view/4401423?publication=51>.

<sup>11</sup> The Rules of Parliament in force before December 2018, Article 138, paras. 1, <https://matsne.gov.ge/ka/document/view/13528?publication=44>

<sup>12</sup> The Rules of Parliament, Article 93 <https://matsne.gov.ge/ka/document/view/4401423?publication=51>.

<sup>13</sup> The Rules of Parliament in force before December 2018, Article 55, <https://matsne.gov.ge/ka/document/view/13528?publication=44>

than half of the total number of the commission members.<sup>14</sup> Furthermore, a temporary investigative commission no longer needs the permission of the Prosecutor General to investigate a criminal case on the spot.

Despite the positive changes, the observation of the parliamentary activity showed that the ruling party maintains procedural leverage to prevent the parliamentary opposition from setting up temporary investigative commissions,<sup>15</sup> thus rendering this important tool of parliamentary oversight a formality and undermining the purpose of the new Rules of Parliament – to allow the opposition an opportunity to use its oversight powers effectively.

## INTERPELLATION

The new Rules of Parliament introduced a new mechanism of parliamentary oversight in the form of interpellation. Under the Rules of Parliament of Georgia, “a group of at least seven Members of Parliament, a faction, has the right to address questions to the Government of Georgia, to another body accountable to the parliament, to a member of the government.”<sup>16</sup> The addressee answers the questions personally at the plenary session of the parliament.

The ability to use interpellation frequently as one of the most important mechanisms of control is important for effective oversight. Furthermore, the practice of the past years showed that, during the next session, due to the limitation of the number of interpellations (no more than twice and, respectively, March and May in the spring session, September and November in the autumn session), a specific issue might lose its relevance (due to the prolongation of the procedure) and the use of this mechanism becomes less effective.

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<sup>14</sup> The Rules of Parliament, Article 62, <https://matsne.gov.ge/ka/document/view/4401423?publication=51>.

<sup>15</sup> parliament.ge (webpage) *A Quorum Was Not Reached to Put the Draft Resolution to Vote*, 18.04.2023, <https://parliament.ge/media/news/sasamartlo-sistemashi-koruftsiuli-da-skhva-ka-nonsatsinaaghmdego-kmedebata-shemstsavleli-droebiti-sagamodziebo-komisiis-shekmnis-shesakheb-dadgenilebis-proektis-kenchisqristvis>.

<sup>16</sup> Rules of Parliament, Article 149, <https://matsne.gov.ge/ka/document/view/4401423?Publication=51>.

Accordingly, the amendments made to the Rules of Parliament in 2022 also affected the procedure of interpellation and the number of interpellations allowed has increased. The Rules of Parliament introduced an obligation to submit, consider and pass a draft resolution to the parliament in accordance with the procedure established by law after the completion of the interpellation. As a part of the implementation of the recommendations of the European Commission, the possibility and frequency of using the interpellation mechanism have also increased.

## **SUMMONING AN OFFICIAL TO A PLENARY SESSION**

Under the previous version of the Rules of Parliament, the parliament was entitled, based on the request of a committee or a faction, to summon a member of the Government of Georgia to the plenary session by the majority of the votes of those present at the plenary session, but not less than one-fifth of the full composition of the parliament.<sup>17</sup>

With the new Rules of Parliament, the group of officials to be summoned to the plenary session was expanded and extended to all officials and heads of agencies accountable to the parliament, in addition to the members of the government.<sup>18</sup> However, at the same time, the procedure became more complicated and summoning accountable officials became possible with the decision reached by only one-third of the full composition of the parliament instead of one-fifth of the full composition of the parliament.

## **SUMMONING AN OFFICIAL TO A COMMITTEE SESSION**

The version of the Rules of Parliament in force before 2018 provided for the mandatory attendance of the accountable official at the committee session.<sup>19</sup> Under the new Rules of Parliament, the right to summon an official to the committee is determined for the faction as well. A higher quorum was

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<sup>17</sup> The Rules of Parliament in force before December 2018, Article 197, para. 1, <https://matsne.gov.ge/ka/document/view/13528?publication=44>

<sup>18</sup> The Rules of Parliament, Article 152, paras 1. <https://matsne.gov.ge/ka/document/view/4401423?publication=51>

<sup>19</sup> The Rules of Parliament in force before December 2018, Article 44, <https://matsne.gov.ge/ka/document/view/13528?publication=44>

established in case of summoning the Prime Minister of Georgia, the Prosecutor General, and the Head of the State Security Service.<sup>20</sup>

The amendments of 2022 introduced the obligation to post information about a request to attend the committee session, the letter sent by the committee chairperson to the relevant official and the relevant audio recording of the session on the website of the Parliament of Georgia.

## SUMMONING AN OFFICIAL TO A FACTION'S SESSION

Under the previous version of the Rules of Parliament, the official accountable to the parliament was authorised and, in case of request, had the obligation to attend the sessions of the faction. Furthermore, the official was obliged to answer the questions asked at the session and submit a report on the activities performed. The new Rules of Parliament of 2018 limited the faction's aforementioned possibility.

At first glance, there is no longer any need to call an official accountable to the faction because, with the new Rules of Parliament currently in force, the parliamentary faction/group can carry out oversight of the agency in various formats and receive information of interest. However, observation of practice shows that parliamentary groups/fractions do not fully utilise the oversight mandate.<sup>21</sup>

## MP'S QUESTION

The version of the Rules of Parliament in force before December 2018 provided for the mechanism of submitting a question by a Member of Parliament.<sup>22</sup> The new Rules of Parliament made the written question mechanism foreseeable.<sup>23</sup> In particular, the obligation to publicly publish the

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<sup>20</sup> The Rules of Parliament, Article 40, paras.1 and 3, <https://matsne.gov.ge/ka/document/view/4401423?publication=51>

<sup>21</sup> [democracyresearch.org](https://www.democracyresearch.org) (webpage), Importance of Parliamentary Oversight of the Security Sector and Its Challenges, 2023, p. 32, [https://www.democracyresearch.org/files/2871.09.2023%20geo%20\(1\).pdf](https://www.democracyresearch.org/files/2871.09.2023%20geo%20(1).pdf).

<sup>22</sup> The Rules of Parliament in force before December 2018, Article 211, para. 1. <https://matsne.gov.ge/ka/document/view/13528?publication=44>

<sup>23</sup> The Rules of Parliament, Article 148, <https://matsne.gov.ge/ka/document/view/4401423?publication=51>,

questions and received answers was introduced. In addition, it was specified that the content of a question should refer to the issue falling within the competence of the addressee. This mechanism is an individual mechanism of an MP to carry out oversight and receive the necessary information from all accountable bodies.

As a part of the implementation of the 12 priorities determined by the European Commission, with the changes made to the Rules of Parliament of Georgia, the deadline for answering a question submitted by a Member of Parliament was reduced from 15 to 10 days,<sup>24</sup> which was one of the recommendations of the Democracy Research Institute. A provision was kept in the Rules of Parliament, under which the deadline for answering a question can be extended by 10 days, in agreement with the author of the question. The head of the relevant institution or the relevant member of the Government of Georgia must sign the answer to the question.

## **AMENDMENTS MADE TO THE RULES OF PARLIAMENT OF GEORGIA BY THE END OF 2023**

At the end of 2023, amendments were again made to the Rules of Parliament of Georgia. Under the new Rules of Parliament, the sessions of the bureau can be closed if requested by a member of the bureau and this request is supported by the majority of the members of the bureau present at the session. The issue of closing the session of the parliament's bureau is discussed behind closed doors. The group of persons to be present at the closed session of the Bureau of the Parliament is determined by the chairperson of the session.<sup>25</sup> Under the above provision, depending on the decision-making procedure, the session of the bureau may be closed without the support of opposition MPs.

The determination of the agenda of the plenary sessions is one of the competences of the bureau. Accordingly, the amendment further reduced the degree of transparency of the legislative body. The public nature of the sessions helped to ensure the involvement of concerned actors, including the observation of the process of deliberations of particular draft laws. It is worth

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<sup>24</sup> *Idem.* Article 148, para. 4.

<sup>25</sup> The Rules of Parliament, On making changes to the regulations of the Parliament of Georgia <https://matsne.gov.ge/ka/document/view/5962558?publication=0>.

noting that, despite the obligation to publish the agenda of the bureau on the website of the parliament in advance, in many cases, the information is not available.

Under another amendment made to the Rules of Parliament, the decision-making by the parliament on the election and dismissal of officials will be done in an open manner instead of a secret vote. This rule also applies to the removal of an official by impeachment procedure. It is significant that the rule of secrecy during voting will be maintained only in the case of the election of the President of the Parliament.<sup>26</sup>

A provision appeared in the Rules of Parliament, under which, in the absence of the President of Georgia at the first session of the newly elected parliament, the oldest elected Member of Parliament present at the session shall open it. The Chairperson of the Central Election Commission of Georgia attends the session.<sup>27</sup>

## 2.2. LEGISLATIVE CHALLENGES

### TRUST GROUP

Despite the positive changes made to the Rules of Parliament, there are a number of problems related to the composition of the Trust Group, its staffing and the transparency of its activities.

For example, a member of the Trust Group does not have the opportunity to visit independently the accountable agency without the approval of the chairperson. However, the Rules of Parliament do not contain details on what amount of information the “right of inspection” provides and what form it takes.

It should be emphasised that the current legislation does not oblige the Trust Group to prepare or submit to the parliament a report on its activities, where the secret information related to state security would be appropriately covered.

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<sup>26</sup> *Idem.*

<sup>27</sup> *Idem.*

It is also worth noting that the entry of the provisions of the Rules of Parliament regarding the staffing of the Trust Group brought the Parliament of Georgia to a dead end. Considering that there is only one faction in the parliamentary opposition, the Trust Group does not have a fifth member to this day.

Furthermore, the Members of Parliament from the opposition do not have the opportunity to put important issues regarding the competence of the Trust Group on the agenda, which weakens parliamentary oversight and makes it less effective. Although the members of the Trust Group have access to state secrets, their mandate to obtain full information from the relevant agencies is limited.

The draft law prepared by the Democracy Research Institute, which has already been registered in the Parliament of Georgia, aims to eliminate the above-mentioned challenges and, accordingly, to improve parliamentary oversight.<sup>28</sup>

## MINISTER'S HOUR

During the Minister's Hour, the report of a member of the government is discussed by the parliament in accordance with the rules established for the first reading of a draft law.<sup>29</sup> Under this rule, after the minister's report, MPs have the opportunity to address the government member with questions. After the end of the questions, the minister has the right to respond to all the questions asked in a single answer,<sup>30</sup> which gives the official accountable to the parliament an opportunity to leave the uncomfortable questions unanswered. Consequently, many pressing issues remain unaddressed. For the effectiveness of the mentioned procedure, it is recommended to amend the rules accordingly.

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<sup>28</sup> democracyresearch.org (webpage), Parliamentary Oversight of the Security Institutions is Defective, <https://www.democracyresearch.org/geo/1238/>.

<sup>29</sup> The Rules of Parliament, Article 153, para. 4 <https://matsne.gov.ge/ka/document/view/4401423?publication=51>.

<sup>30</sup> *Idem*, Article 111, paras 6 and 7.

## TEMPORARY PARLIAMENTARY INVESTIGATIVE COMMISSIONS

In terms of temporary investigative commissions, the main challenge is a lack of political will. Unfortunately, the Rules of Parliament do not include any insurance mechanisms when, in order to fail the issue at stake, deputies deliberately do not register before voting.

In the X Parliament of Georgia, a temporary investigative commission was set up only once regarding election issues, on the initiative of the ruling political force. The parliamentary opposition tried seven times to set up a temporary investigative commission but failed in all seven cases. The most frequent reason for this failure was that the authors of the initiatives could not mobilise the required number of supporters. However, in two cases, when there was almost unanimous support of the opposition regarding the issue, the parliamentary majority prevented setting up temporary investigative commissions through procedural manipulations.<sup>31</sup>

### *Examples of Blocking Investigation Commissions from Being Set Up by the Parliamentary Majority of Georgian Dream Through Procedural Manipulations*

In June 2023, the Reforms Group registered the draft resolution on setting up a temporary investigative commission to study corruption and other illegal actions in the judiciary. While the parliamentary opposition was able to mobilise the required number of Members of Parliament to support the initiative, the draft resolution was not put to vote. In order to prevent the resolution, the majority MPs did not go through the mandatory registration procedure at the plenary sessions for three days in a row.<sup>32</sup> The Chairperson of Georgian Dream at the time, Irakli Kobakhidze, stated at the plenary session that due to the interests of the independence of the court, the majority would not go through the registration, “as a show of political solidarity towards the judges.”<sup>33</sup>

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<sup>31</sup> democracyresearch.org (webpage), Importance of the Parliamentary Oversight of the Security Sector and Its Challenges, 2023, p. 32, [https://www.democracyresearch.org/files/2871.09.2023%20geo%20\(1\).pdf](https://www.democracyresearch.org/files/2871.09.2023%20geo%20(1).pdf).

<sup>32</sup> In accordance with the Rules of Parliament, the registration of Members of Parliament is carried out before voting (Article 91, paras. 2). A plenary session of the parliament is authorised if the majority of the full composition of the parliament is present (Article 91, para. 1).

<sup>33</sup> The Parliament of Georgia, *No Quorum to Voting on the Draft Resolution on Setting Up a Temporary Investigative Commission to Study Corruption and Other Illegal Actions in the Judiciary*, <https://shorturl.at/vCRS1>.

Georgian Dream deliberately acted in a similar way to prevent the draft resolution initiated by a parliamentary political group For Georgia that concerned setting up a temporary investigative commission of the Parliament of Georgia to study transnational crimes committed by organised criminal groups through fraudulent call centres and possible inadequate responses to them. Georgian Dream did not go through the mandatory registration procedure before the vote.<sup>34</sup>

## INTERPELLATION

During the interpellation, in order to go through all the procedures determined by the legislation, the Rules of Parliament provide for the possibility of proportionally reducing the time allocated for the author of the question, the addressee and the persons/groups participating in the debate. While, in order to fully cover the issue, the Rules of Parliament provide for the possibility of extending the next plenary sessions of the parliament for more than 21 hours, this does not exclude the possibility of reducing the interpellation time by the parliament's bureau in such a way that the procedure would not be fully implemented.<sup>35</sup>

In order for the authors of the question to have the opportunity to prepare for the debates held within the framework of interpellation, it would be better if the addressee of the question had the obligation to submit the answer to the question sent by the interpellation method no later than 5 days before the session. Submitting a written answer in advance would help to conduct the interpellation procedure in a more organised and meaningful manner. In addition, it would be better to make changes to the Q&A procedure since, like the Minister's Hour, many important questions asked by the MPs are left unanswered during a consolidated single answer.

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<sup>34</sup> The Parliament of Georgia, *Parliament Fails to Vote on Setting up a Temporary Investigative Commission to Study Activities of the So-called Call-Centres*, <https://parliament.ge/media/news/parlamentshi-e-ts-koltsentrebis-sakmianobis-shemstsavleli-droebiti-sagamodzie-bo-komisiis-shekmnis-sakitkhs-kenchi-ver-eqara>.

<sup>35</sup> [democracyresearch.org](https://www.democracyresearch.org) (webpage), Mechanisms of Parliamentary Oversight for the State Security Service of Georgia and their Importance, 2020, p. 16, [https://www.democracyresearch.org/files/2871.09.2023%20geo%20\(1\).pdf](https://www.democracyresearch.org/files/2871.09.2023%20geo%20(1).pdf).

## SUMMONING AN OFFICIAL TO A COMMITTEE SESSION

It is the opinion of the Democracy Research Institute that Article 40.3 of the Rules of Parliament is problematic since it determines a higher quorum for summoning accountable officials to the committee sessions, namely, the Prime Minister of Georgia, the Prosecutor General of Georgia and the Head of the State Security Service. This standard is different from the one determined by Article 40.2 of the Rules of Parliament. Moreover, under the aforementioned provision, the parliamentary faction/political group does not have the right to summon the listed officials to the committee sessions. The working group set up under the Procedural Issues and Rules Committee to fulfil the 12 priorities determined by the European Commission in 2022 did not accept the recommendation of the Democracy Research Institute, according to which the general rule of summoning officials to the committee sessions should also apply in the case of summoning the Prime Minister, the General Prosecutor and the Head of the State Security Service.

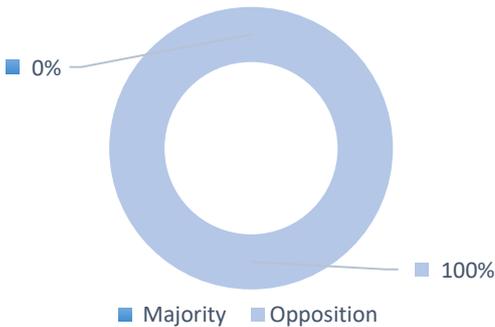
## 3. PARLIAMENTARY OVERSIGHT OF THE SECURITY SECTOR AND ITS PRACTICAL CHALLENGES

### 3.1. PARLIAMENTARY OVERSIGHT OF THE ACTIVITIES OF THE STATE SECURITY SERVICE IN 2023

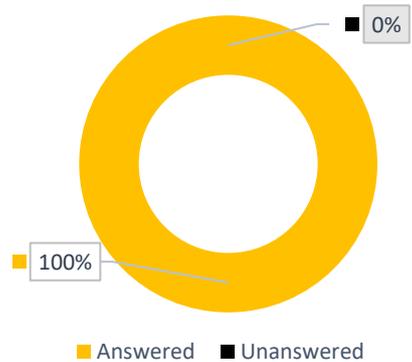
#### MP'S QUESTION

The number of questions submitted to the State Security Service during the reporting period is low. According to the data published on the website of the Parliament of Georgia from January 2023 to December 2023, Members of Parliament submitted 14 questions to the State Security Service. Only the representatives of the parliamentary opposition used the written question mechanism. **Members of Parliamentary Majority Did Not Submit Any Questions to the State Security Service.**

## MAJORITY – OPPOSITION



## ANSWERS TO QUESTIONS



The questions submitted to the State Security Service concerned possible threats to Mikheil Saakashvili's health and life, amendments to be made to the Law of Georgia on Licenses and Permits, investigation of the so-called Bakuriani Workshop, allowing/refusing citizens of the Russian Federation entry to Georgia, information about possible secret negotiations between the Georgian government and the Russian government, the situation in the villages adjacent to the occupied territory, the amount of fines imposed for violations by the cars registered to the State Security Service recorded on video and the total amount of fines imposed, and detailed statistics of covert investigative actions.

During the reporting period, the State Security Service answered all questions. However, depending on the contents of the questions, in some cases, the answer given by the agency did not contain the relevant information for the author of the question.

For example, concerning a question regarding the Bakuriani Workshop by MP Khatuna Samnidze,<sup>36</sup> the State Security Service limited itself to a generic answer: "Criminal case-files are confidential and only the persons determined

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<sup>36</sup> Question no. 2551/3-87/23, submitted by MP Khatuna Samnidze, dated 04.04.2023, <https://info.parliament.ge/file/1/MpQuestionContent/26897>.

by the law have the right to have access to it. Based on the aforementioned, the service is not allowed to give you access to the criminal case-file.”<sup>37</sup>

To MP Tamar Kordzaia's question,<sup>38</sup> regarding the investigation into the possible crime against convicted Mikheil Saakashvili (“How many people have been questioned as a part of the investigation? What kind of investigative actions have you taken? What is the current stage of further pending investigation?”), the State Security Service answered the MP that “in the interests of the investigation”, no further information disclosing details of the investigation could be given.<sup>39</sup>

MP Teona Akubardia asked the following questions: “Why is it that citizens of the Russian Federation opposing Putin’s regime are refused entry to Georgia, but sanctioned political figures of the Russian Federation and their family members (Sergei Lavrov's daughter) enter Georgia freely and their security is covered by a large police force?” “Also, given the increased flow of visitors from the Russian Federation to Georgia, what mechanisms are at the disposal of the State Security Service to check individuals for security purposes?”<sup>40</sup> The service’s answer was superficial;<sup>41</sup> it noted that the Ministry of Internal Affairs of Georgia is authorised to decide about the issues related to crossing the border and the State Security Service “is involved in the monitoring of the migration flow and carries out appropriate statutory measures” within its competence.

The State Security Service gave a detailed answer to a question submitted by MP Levan Bezhashvili<sup>42</sup> regarding amendments to be made to the Law of Georgia on Licenses and Permits and the impact of these amendments on the

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<sup>37</sup> Answer no. SSG 2 23 00089832 of the State Security Service to the question of MP Khatuna Samnidze, dated 18.03.2023, <https://info.parliament.ge/file/1/MpQuestionContent/27101>.

<sup>38</sup> Question no. 4836/3-53/23, submitted by MP Tamar Kordzaia, dated 22.06.2023, <https://info.parliament.ge/file/1/MpQuestionContent/27901>.

<sup>39</sup> Answer no. SSG 8 23 00127178 of the State Security Service to the question of MP Tamar Kordzaia, dated 05.06.2023, <https://info.parliament.ge/file/1/MpQuestionContent/27656>.

<sup>40</sup> Question no. 4280/3-2/23, submitted by MP Teona Akubardia, dated 05.06.2023, <https://info.parliament.ge/file/1/MpQuestionContent/27646>.

<sup>41</sup> Answer no. SSG 7 23 00135501, submitted by the State Security Service to question of MP Teona Akubardia, dated 13.06.2023, <https://info.parliament.ge/file/1/MpQuestionContent/27850>.

<sup>42</sup> Question no. 5082/3-6/23, submitted by MP Levan Bezhashvili, dated 30.06.2023, <https://info.parliament.ge/file/1/MpQuestionContent/27942>.

agency, pointing out the statutory grounds on which it based its practice.<sup>43</sup> The State Security Service only answered the second question by Levan Bezhashvili,<sup>44</sup> in which the MP asked for detailed statistics of covert investigative activities, explaining the procedure for issuing a resolution by a prosecutor.<sup>45</sup>

Due to the low number of questions sent to the State Security Service and, therefore, a limited range of the topics of the questions, during the reporting period, the State Security Service did not repeat its practice of previous years where the agency would arbitrarily interpret the Law of Georgia on State Secrets and refuse to answer a number of questions submitted by Members of Parliament.

## TRUST GROUP

The Democracy Research Institute, regarding the activities of the Trust Group, requested public information from the Parliament of Georgia, according to which, from 1 January 2023 to 31 December 2023, the Trust Group held 11 sessions. According to the communication received from the parliament, the Head of the State Security Service and his deputy participated in the session of the Trust Group twice, on 6 April 2023 and 13 October 2023.<sup>46</sup>

Due to the highly confidential nature of the activities of the Trust Group, the specific issues that were discussed at the sessions are not known. The Democracy Research Institute has requested the following information from the Parliament of Georgia: dates of Trust Group sessions, agenda (copy) and list of attendees; dates when accountable officials presented their reports and list of attendees of these sessions; information submitted by relevant agencies to the Defence and Security Committee about the implemented and ongoing non-secret purchases; how many times did representatives of the security agencies attend the sessions of the Trust Group of the Parliament of Georgia?;

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<sup>43</sup> Answer no. SSG-0-23-00158374, submitted by the State Security Service to the question of MP Levan Bezhashvili, dated 12.07.2023, <https://info.parliament.ge/file/1/MpQuestionContent/27991>.

<sup>44</sup> Question no. 9225/3-6/23, submitted by MP Levan Bezhashvili, dated 30.11.2023, <https://info.parliament.ge/file/1/MpQuestionContent/29899>.

<sup>45</sup> Answer of the State Security Service to the question submitted by MP Levan Bezhashvili, Letter no. SSG 9 23 00276246, dated 11.12.2023, <https://info.parliament.ge/file/1/MpQuestionContent/30548>.

<sup>46</sup> Letter no. 10704/2-7-1/23 of the Office of the Parliament of Georgia, dated 20-12-2023.

and, the number of visits of members of the Trust Group to the Operational Technical Agency and other accountable agencies.<sup>47</sup> The Parliament of Georgia provided us with information only about the number of sessions held by the Trust Group, their dates and the persons present.<sup>48</sup>

Articles 157, 158 and 159 of the Rules of Parliament of Georgia govern the composition and activities of the Trust Group. While the new version of the 2018 Rules of Parliament has enhanced the mandate of the Trust Group, our observation shows that parliamentary oversight of the security agencies is punctuated with shortcomings. The legal gaps pointed out in the report prevent the effective use of the oversight mechanism. However, during meetings with the organisation, the opposition MPs emphasise that they do not have the opportunity to participate in the activities of the Trust Group or determine its agenda. The issue of incomplete staffing of the Trust Group is still an important challenge. Presently, the Trust Group consists of 4 members, of which three are representatives of the parliamentary majority.

## **TEMPORARY COMMISSIONS AS A PARLIAMENTARY OVERSIGHT MECHANISM**

The Democracy Research Institute requested public information from the Parliament of Georgia regarding setting up temporary investigative commissions in the X Parliament of Georgia. Thematically, initiatives regarding setting up investigative commissions can be grouped into several issues:

a) In 2021, the group of Lelo – Partnership for Georgia submitted a draft resolution on setting up an investigative commission to study high-ranking corruption. The draft resolution of the Parliament of Georgia on Setting up the Temporary Investigative Commission of the Parliament of Georgia to Study High-Ranking Corruption refers to a range of issues that the commission is entrusted to investigate. These are alleged incidents of elite corruption in Georgia that have not been investigated, possible illegal actions of state and local government officials and civil servants in relation to these alleged incidents and reasons for the alleged failure of law-enforcement agencies to

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<sup>47</sup> Letter no. 20233011/69 of the Democracy Research Institute.

<sup>48</sup> Letter no. 10704/2-7-1/23 of the Office of the Parliament of Georgia.

act.<sup>49</sup> According to the information at the disposal of the Democracy Research Institute, the draft resolution was not put to the vote at the plenary session due to the absence of a quorum.

b) In 2016-2017 and the subsequent period, on 22 September 2022, the opposition MPs presented an initiative to the parliament to set up a temporary investigative commission to study the incidents of covert and systematic cooperation of representatives of the State Security Service of Georgia with the special services of the Russian Federation.<sup>50</sup> Once again, the issue was not put to the vote. Most likely, the authors of the initiative failed to mobilise the appropriate number of supporters.

Thus, in the X Parliament of Georgia, despite several initiatives, it was not possible to obtain the necessary support for setting up a temporary investigative commission. The main obstacle was the lack of political will on the part of the majority.

## OTHER OVERSIGHT MECHANISMS

Apart from the mechanisms mentioned above, no other mechanisms of parliamentary oversight were used with regard to the State Security Service. For example, during the reporting period, the Head of the State Security Service was not summoned either to the plenary session or through the interpellation procedure. It should be noted that the failure to use these mechanisms is not something new.

After the launch of the Russia-Ukraine war in 2022, the opposition deputy of the Parliament of Georgia, Teona Akubardia, attempted to summon the Head of the State Security Service to the Session of the Defence and Security Committee. Despite the fact that the MP is the Deputy Chairperson of this committee, she was not given the opportunity to put the issue on the agenda and have it discussed by the committee.

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<sup>49</sup> The Parliament of Georgia, Draft Resolution on Setting up a Temporary Investigative Commission to Study High-Level Corruption, <https://info.parliament.ge/ile/1/BillReviewContent/276408>.

<sup>50</sup> parliament.ge (webpage), 22.09.2022, <https://parliament.ge/legislation/24726>.

## DEGREE OF TRANSPARENCY OF THE STATE SECURITY SERVICE

In order to implement effective oversight, it is necessary for the body in charge of oversight to have access to the documents regarding the activities of the accountable agency. While Members of Parliament of Georgia can request access to classified information on separate occasions in order to receive classified information,<sup>51</sup> they are faced with a number of obstacles. An example of this is the disproportionately period determined for vetting MPs for access to classified information.<sup>52</sup> With the legislative amendment made in 2015, the maximum period of access to state information was increased from 1 month to 6 months.<sup>53</sup>

Under Article 6 of the Statute of the State Security Service, the structural subdivisions of the service are: Administration (Department), General Inspection (Department), Economic Department, Main Personnel Division, Information-Analytical Department, Counterintelligence Department, State Security Department, Anti-Corruption Agency (Department), Counter-Terrorist Centre, Department of Operational Measures, Department of Special Measures, Main Division of Facilities Protection and the Division of Provision of Temporary Placement. Of those listed, only the statutes of the Administration, Anti-Corruption Agency, General Inspection, Economic Department, Main Personnel Division and Main Facilities Protection Division are public. As regards **the Counter-Intelligence Department, the Counter-Terrorist Centre, the State Security Department, the Information Analytical Department, the Operational Technical Department, the Operational Measures Department and the Special Operations Department, – their activities, including the governing statutes, are confidential.**<sup>54</sup>

Given the restrictions on access to relevant information, it is difficult to assess the extent to which the statutes of the departments of the State Security Service are classified in accordance with law. However, based on the analysis of other public statutes (where general information is gathered) and the broad mandate of the State Security Service, the effectiveness of oversight is undermined by keeping the statutes confidential. Due to the low degree of

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<sup>51</sup> The Law of Georgia on State Secrets, Article 20 <https://matsne.gov.ge/ka/document/view/2750311?publication=6>.

<sup>52</sup> *Ibid.* Article 22.

<sup>53</sup> transparency.ge (webpage), 02.03.2015, <https://transparency.ge/ge/blog/sakhelmtsipo-saidumloebis-sheesakheb-akhali-kanoni-inpormatsiis-dausabutebeli-shezghudvis-saprthke>.

<sup>54</sup> Letter no. SSG 02000020612 of the State Security Service, dated 4 February 2020.

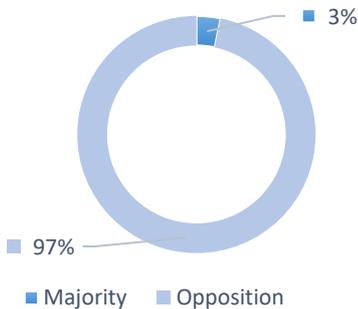
transparency of the agency, the blanket confidentiality of information related to the activities of the State Security Service makes parliamentary oversight of the said agency impossible and severely reduces the level of its accountability.

### 3.2. PARLIAMENTARY OVERSIGHT OF THE ACTIVITIES OF THE MINISTRY OF INTERNAL AFFAIRS IN 2023

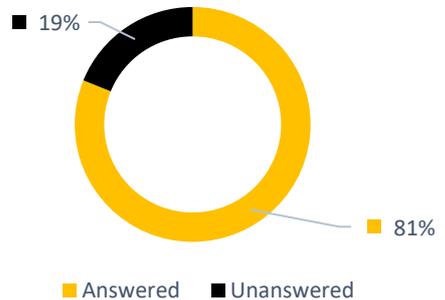
#### MPS' QUESTION

The Ministry of Internal Affairs is the only agency in the security sector to which Members of Parliament of the majority (MPs Zaza Lominadze and Nino Tsilosani) sent questions. Zaza Lominadze's question concerned the police response to the use of tobacco in a closed space,<sup>55</sup> while Nino Tsilosani<sup>56</sup> was interested in the statistics of administrative violations related to the use of fireworks and the sale of fireworks. During the reporting period, according to the data published on the website of the parliament, 61 written questions were sent by MPs, 10 of which remained unanswered.

#### MAJORITY – OPPOSITION



#### ANSWERS TO THE QUESTIONS



<sup>55</sup> Question no. 6575/4-13/23 submitted by MP Zaza Lominadze, dated 06.09.2023, <https://info.parliament.ge/file/1/MpQuestionContent/28551>. It should be noted that Zaza Lominadze had submitted a similar question several months earlier (question no. 4558/4-13/23, <https://info.parliament.ge/file/1/MpQuestionContent/27835>), however, his question was left unanswered back then.

<sup>56</sup> Question no. 418/4-1/23 submitted by MP Nino Tsilosani, dated 18.01.2023. <https://info.parliament.ge/file/1/MpQuestionContent/25689>.

Most unanswered questions concerned the fire-rescue aviation park and the agency's vision regarding rescue aviation.<sup>57</sup> The questions sent to the Ministry of Internal Affairs often concerned various statistical data. However, the most frequent questions were about visitors from Russia, including members of Sergey Lavrov's family<sup>58</sup> and people who were refused entry to Georgia.<sup>59</sup> Regarding Lavrov's family members, the agency cited the protection of personal data as the reason<sup>60</sup> and, as regards the refusal of entry, the correspondence was limited to general and abstract legal clarifications.<sup>61</sup> While the number of questions submitted to the Ministry of Internal Affairs is small, and the information requested by Members of Parliament did not require particular effort from the agency, it can be seen from the above two examples that the Ministry of Internal Affairs attempted to limit itself to only a formulaic response and did not provide any actual information.

Stemming from the broad mandate of the Ministry of Internal Affairs, the questions submitted to the agency are relatively diverse and a relatively large circle of Members of Parliament showed an interest in its activities compared to the Ministry of Defence. In some cases, the formulaic answers given to the questions made it clear that the respective officials of the agency do not feel accountable to the Parliament of Georgia.

## INTERPELLATION

Despite the fact that the Rules of Parliament introduced an additional opportunity to increase the effectiveness of parliamentary oversight, the Minister of Internal Affairs was not summoned to the parliament through interpellation from 2019 to 2022. However, in 2023, at the initiative of the

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<sup>57</sup> Ana Natsvlshvili, MP submitted questions to the Ministry of Internal Affairs on three occasions on this issue, e.g., question no. 6539/3-81/23, dated 06.09.2023, <https://info.parliament.ge/file/1/MpQuestionContent/28529>.

<sup>58</sup> Question no. 3794/3-23/23 submitted by MP Khatia Dekanoidze, dated 24.05.2023, <https://info.parliament.ge/file/1/MpQuestionContent/27395>.

<sup>59</sup> Question no. 4281/3-2/23, submitted by MP Teona Akubardia, dated 05.06.2023, <https://info.parliament.ge/file/1/MpQuestionContent/27647>.

<sup>60</sup> Answer no. MIA92301627797, submitted by the Ministry of Internal Affairs, dated 08.06.2023, <https://info.parliament.ge/file/1/MpQuestionContent/27764>.

<sup>61</sup> Answer no. 1129 submitted by the Ministry of Internal Affairs of Georgia, dated 30.06.2023, <https://info.parliament.ge/file/1/MpQuestionContent/27943>.

parliamentary opposition, Vakhtang Gomelauri was in the parliament twice by way of interpellation.<sup>62</sup>

The first question sent in the form of interpellation<sup>63</sup> concerned the proportionality of the police force used during the rallies of 7-8 March 2023 and interference with demonstrators' freedom of expression. The following Members of Parliamentary Opposition, political groups as well as independent Members of Parliament submitted questions in the form of interpellation: Khatia Dekanoidze, Roman Gotsiridze, Teona Akubardia, Ana Natsvlishvili, Rostom Chkheidze, Nato Chkheidze, Khatuna Samnidze and Tamar Kordzaia. The Minister of Internal Affairs appeared before the parliament on 19 May 2023. The minister spoke about the actions of the Ministry of Internal Affairs at the rallies of 7-8 March 2023 and answered questions from the Members of Parliament in accordance with the Rules of Parliament of Georgia. The minister did not voice any important or new information during the interpellation hearing and he brushed off the criticism of the opposition regarding the legality of the interference with the demonstrators' freedom of expression. It is significant that a discussion about police response to the rallies of 7-8 March 2023 was held in the interpellation format.

The second question submitted by way of interpellation concerned the Shovi tragedy. Both the question submitted by way of interpellation and the written answer of the accountable official are published on the website of the parliament. United National Movement – United Opposition “Strength is in Unity” addressed 5 questions to the Minister of Internal Affairs:

- “1. What were the hindering factors that prevented the early warning SMS system from being implemented?
2. Why did the rescue operations start with a delay of 3 hours?
3. On what basis did the government decide not to ask for help from abroad in search-and-rescue operations?

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<sup>62</sup> parliament.ge (webpage), <https://parliament.ge/supervision/interpellation>.

<sup>63</sup> parliament.ge (webpage), <https://webapi.parliament.ge/storage/files/shares/interpelacia/19.05.2023/gomelauri/kitkhva-10.04.2023.pdf>.

4. What is the condition of the rescue equipment of the Emergency Situations Management Service of the Ministry of Internal Affairs and how compatible is it with international standards? and

5. Based on what circumstances the state refused to purchase two search-and-rescue helicopters (HUEY II) under the grant purchase method. Was the Ministry of Internal Affairs involved in the said decision-making process and what was the official position of the Ministry?"<sup>64</sup>

According to the minister's answer, the rescue work started immediately; rescuers were on the ground in 28 minutes, heavy equipment – in an hour, and helicopters flew to the disaster area in three hours. The minister noted that the action of the relevant services was the most optimal despite the unfavourable weather conditions and terrain in Racha. According to Vakhtang Gomelauri, it was impossible to save people trapped in the landslide, no matter how fast and organised they acted. He further noted that they did not turn to neighbouring countries for help, as there was no need for additional assistance.

According to the assessment of the Democracy Research Institute, the answers given by the Minister of Internal Affairs of Georgia to the above-mentioned questions were abstract and did not provide comprehensive information about the issue. In many cases, the answers did not correspond to the actual content of the questions. For example, to the question – based on what circumstances the state refused to purchase two search-and-rescue (SAR) helicopters (HUEY II) under the grant purchase method and what was the official position of the Ministry of Internal Affairs – Vakhtang Gomelauri said that the question was based on false information and aimed to mislead the public. According to him, these were negotiations initiated by the Ministry of Defence and he neglected his responsibility as a member of the government in this process, while the state's refusal to purchase a SAR helicopter (HUEY II) under the grant purchase method was based on decree no. 2363 of the Government of Georgia, dated 11 November 2016. The Ministry of Internal Affairs excluded its own responsibility in the matter of implementing the early warning SMS system. According to the minister: "The sending of a message by 112 about the danger to people in a dangerous area should be preceded by

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<sup>64</sup> parliament.ge (webpage), [https://web-api.parliament.ge/storage/files/shares/interpelacia/22.09.2023/gomelauri/enm\\_14\\_08\\_2023.pdf](https://web-api.parliament.ge/storage/files/shares/interpelacia/22.09.2023/gomelauri/enm_14_08_2023.pdf).

relevant expert studies, forecasting and disaster risk assessment. After that, it will be possible to send messages.” According to him, the Ministry of Environment Protection and Agriculture of Georgia started the development of a large-scale early notification system in 2019, and the Ministry of Internal Affairs itself is not a competent agency.

Vakhtang Gomelauri responded to the opposition MPs' criticism of the delayed construction of the temporary bridge in Shovi (which then made movement in the disaster area relatively easier) and the late involvement of the defence forces, saying that the temporary bridge was not built by the Ministry of Defence but by the Ministry of Infrastructure. He left unanswered the main question, why the additional forces were included in the process late and why the temporary infrastructure was not put in place sooner.

During the speech of the Minister of Internal Affairs, an impression was created that the minister was not representing the government, which is responsible for the current processes in the country, but a separate agency, which is beyond the responsibility for all the issues that the interpellation questions concerned.

## MINISTER'S HOUR

Within the framework of the Minister's Hour, members of the government submit a report to the parliament about the implementation of the government programme once a year.<sup>65</sup> The Minister of Internal Affairs of Georgia presented a report to the parliament on 21 February 2023 and presented the ministry's 2022 activity report.<sup>66</sup>

The report presented by the minister included legislative amendments developed by the ministry during 2022, statistical information on the fight against various crimes, information on the progress of internal departmental reforms, dynamics and results of cooperation with international partners and steps taken in terms of technical strengthening of various structural units. The minister's report was followed by a Q&A session where MPs asked questions.

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<sup>65</sup> The Rules of Parliament, Article 153. <https://matsne.gov.ge/ka/document/view/4401423?publication=51>

<sup>66</sup> The 2022 Report of the Ministry of Internal Affairs, <https://web-api.parliament.ge/storage/files/shares/zedamxedveloba/ministris-saati/2023/1-2308-mia.pdf>.

This session lasted for more than an hour.<sup>67</sup> The questions from the Members of Parliament were not limited to the topics reflected in the report of the ministry, but more widely covered the issues related to the activities of the agency. The Minister of Internal Affairs answered the questions of the MPs for about 45 minutes.<sup>68</sup>

During the Q&A session held as a part of the minister's report, instead of asking questions, the representatives of the parliamentary majority expressed their gratitude towards the activity of the agency and tried to emphasise the successful part of the ministry's work. The opposition representatives, in many cases, used the format of the Minister's Hour to get information about various statistical data that they had not been able to obtain when using other mechanisms. However, according to their assessment, the minister's answers were not exhaustive in this case either.

Perhaps some of the answers given by the minister were vague. However, we believe that the Minister's Hour is an effective mechanism of parliamentary oversight, which gives Members of Parliament the opportunity to voice questions and comments related to the agency's activities. Nevertheless, it is appropriate that the minister should not have the right to respond to all the questions in a single answer during the Q&A session.

## TRUST GROUP

According to the information requested by the Democracy Research Institute from the Parliament of Georgia, in the period of January-November 2023, the Trust Group held 11 sessions. During the reporting period, the Deputy Ministers of Internal Affairs attended two sessions of the Trust Group – on 12 April 2023 and 13 October 2023.<sup>69</sup> Due to the fact that the information about the issues discussed at the sessions of the Trust Group is unavailable, substantive discussion on the activities of the group is impossible and the effectiveness of its activities cannot be assessed. However, the fact that representatives of the Ministry of Internal Affairs attended only two sessions

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<sup>67</sup> The Minister's Hour, Vakhtang Gomelauri, the Minister of Internal Affairs of Georgia, <https://www.youtube.com/watch?v=ptb3ljMCn4E>.

<sup>68</sup> The Minister's Hour, Vakhtang Gomelauri, the Minister of Internal Affairs of Georgia, <https://www.youtube.com/watch?v=UeJBU8ndd-c>.

<sup>69</sup> Letter no. 10704/2-7-1/23 of the Office of the Parliament of Georgia.

of the Trust Group during the reporting year shows that the group was not active in terms of the oversight of the Ministry of Internal Affairs.

## SUMMONING AN OFFICIAL TO A COMMITTEE SESSION

The Democracy Research Institute requested the following public information from the Parliament of Georgia: Between January 2023 and November 2023, how many times and on whose initiative (indicating the author of the initiative) were the Minister of Defence of Georgia, the Minister of Internal Affairs, the Head of the State Security Service summoned to the sessions of parliamentary committees (indicating each committee)? How many times did the respective officials appear before the committee on their own initiative and how many times were their attendance initiated by opposition factions/groups? According to the received communication,<sup>70</sup> based on the request of the Reforms Group submitted on 30 March 2023, the Minister of Internal Affairs of Georgia was summoned to the session of the Defence and Security Committee of the Parliament of Georgia.

Though duty-bound by the Rules of Parliament, none of the officials attended the session of the Defence and Security Committee of the Parliament of Georgia. According to the public information received from the parliament, both officials cited an official visit abroad during the mentioned period as the reason for not appearing at the session.<sup>71</sup> The absence of the relevant officials of the security sector at the sessions of the Defence and Security Committee of the Parliament of Georgia during the spring sessions is an indication that the committee cannot provide adequate parliamentary oversight. At the same time, the breach of the duty imposed by the Rules of Parliament and the failure of the officials to appear before the parliamentary committee indicates that the sense of accountability to the parliament on the part of the security sector is extremely low.

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<sup>70</sup> Letter no. 10705/2-7-1/23 of the Office of the Parliament of Georgia, dated 20.12.2023.

<sup>71</sup> *Idem.*

## TEMPORARY INVESTIGATIVE COMMISSIONS AS OVERSIGHT MECHANISMS

The issues to be studied by temporary investigative commissions within the X Parliament of Georgia fell within the competence of the Ministry of Internal Affairs. There were the following initiatives submitted.

a) In 2021, the Charles Michel Reforms Group submitted a draft resolution on setting up a temporary investigative commission to study the events that occurred in Tbilisi on 5-6 July 2021. Later, the Reforms Group prepared another draft resolution on setting up a temporary investigative commission to study the events that took place in Tbilisi on 5-6 July 2021. According to the information received from the parliamentary opposition, the draft resolution was not put to the vote due to the failed negotiations among the members of the opposition.<sup>72</sup>

b) “United National Movement – Strength is in Unity” submitted to the Parliament of Georgia a draft resolution on setting up a temporary investigative commission to study the alleged violent, offensive, inhuman and debasing treatment of the third president of Georgia Mikheil Saakashvili.<sup>73</sup> According to the information supplied by the author of this initiative, since the parliamentary group was unable to mobilise a sufficient number of votes (during this period, the parliament prematurely terminated the mandate of MP Badri Japaridze), the draft resolution was not put to the vote at the plenary session) The parliamentary political group For Georgia initiated a draft resolution On Setting up a Temporary Investigative Commission of the Parliament of Georgia to Study Transnational Crimes Committed by Organised Criminal Groups Through Fraudulent So-Called Call Centres and Possible Inappropriate Responses to Them. Georgian Dream MPs did not go through the mandatory registration before voting and through such procedural sabotage; they prevented opposition representatives from using the right to set up a temporary investigative commission granted to them under the Rules of Parliament.<sup>74</sup>

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<sup>72</sup> parliament.ge (webpage), no. 07-3/163/10, 02.05.2022, <https://info.parliament.ge/v1/agenda/909/ToReview/details/76768>.

<sup>73</sup> The Parliament of Georgia, *Memorandum on the Draft Resolution of the Parliament of Georgia*, <https://info.parliament.ge/file/1/BillReviewContent/294209>.

<sup>74</sup> The Parliament of Georgia, *Setting up a temporary investigative commission to study activities of the so-called call centres could not be put to vote*, <https://shorturl.at/mES06>

Regarding the activities of the Ministry of Internal Affairs, there was an initiative to set up three temporary investigative commissions in the X Parliament of Georgia, although in two cases the opposition representatives failed to mobilise the necessary number of votes to set up the commission. In one case, the parliamentary majority of Georgian Dream blocked the opposition's initiative to set up an investigative commission regarding the so-called call centres by abusing procedural mechanisms.

### OTHER OVERSIGHT MECHANISMS

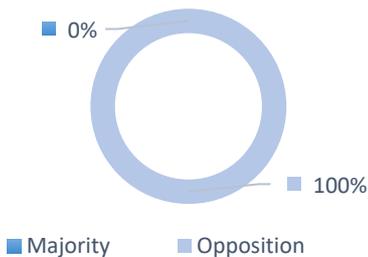
Since the enforcement of the new Rules of Parliament, the Minister of Internal Affairs has not been summoned to the plenary session of the parliament.

### 3.3. PARLIAMENTARY OVERSIGHT OF THE MINISTRY OF DEFENCE IN 2023

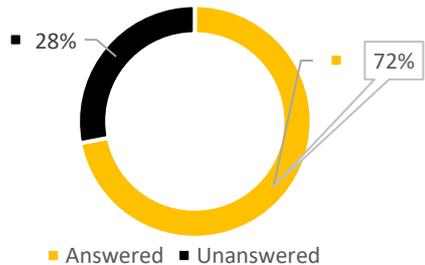
#### MP'S QUESTION

Only Members of Parliament from the opposition addressed written questions to the Ministry of Defence of Georgia and the State Security Service. MP Teona Akubardia posed the absolute majority of questions submitted to the Ministry of Defence – 16 out of 28 questions –. Accordingly, the number of opposition MPs who used the mechanism of MP's question to carry out oversight of the Ministry of Defence was very low. In the reporting period, the use of this oversight mechanism with regard to the Ministry of Defence mostly involved the activities of one MP.

#### Majority – Opposition



#### Answers to the Questions



The Ministry of Defence left 7 questions unanswered during the reporting period. MP Teona Akubardia had submitted 6 questions.<sup>75</sup> The unanswered questions that the MP asked the Ministry of Defence sought statistical information (for example, how many men with special ranks are employed in the military intelligence department and the military police?... What are the percentages of these data for an employee with a military rank?).<sup>76</sup> Furthermore, the questions concerned the documentation developed by the ministry, viz., the action plan of the Defence Strategic Review and the procedure for issuing bonuses in the agency.<sup>77</sup> Even if any of the 6 questions left unanswered fell within the category of state secrets, this should not have been a pretext for the Ministry of Defence to refuse to answer these questions since MP Teona Akubardia has official access to state secrets.

The author of the 7<sup>th</sup> unanswered question is Levan Bezhashvili, a member of the United National Movement. The Member of Parliament requested information on the list of expenses incurred in goods and services by the Ministry of Defence of Georgia from 1 January 2023 until the period of preparation of responses to the letter, indicating the list of expenditures in goods and services, the list of companies, purchased goods and services provided.<sup>78</sup>

The opposition MPs were also interested in the salaries of military personnel,<sup>79</sup> the participation of the Georgian Defence Forces in international exercises<sup>80</sup> and the department's position regarding amendments to be made to the Law of Georgia on Licenses and Permits.<sup>81</sup>

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<sup>75</sup> Questions submitted by MP Teona Akubardia to the Ministry of Defence of Georgia, <https://parliament.ge/supervision/deputy-question>.

<sup>76</sup> Question submitted by MP Teona Akubardia to the Ministry of Defence of Georgia, <https://info.parliament.ge/file/1/MpQuestionContent/26475>.

<sup>77</sup> Question submitted by MP Teona Akubardia to the Ministry of Defence of Georgia, <https://info.parliament.ge/file/1/MpQuestionContent/27886>.

<sup>78</sup> Question no. 7316/3-6/23 submitted by MP Levan Bezhashvili, <https://info.parliament.ge/file/1/MpQuestionContent/28805>.

<sup>79</sup> Question no. 745/3-62/23 submitted by MP Paata Manjgaladze, dated 25.01.2023, <https://info.parliament.ge/file/1/MpQuestionContent/26023>.

<sup>80</sup> Question no. 3249/3-2/23 submitted by MP Teona Akubardia, dated 03.05.2023 to the Ministry of Defence of Georgia, <https://info.parliament.ge/file/1/MpQuestionContent/27208>.

<sup>81</sup> Question no. 4537/3-53/23 submitted by MP Tamar Kordzaia, dated 13.06.2023, <https://info.parliament.ge/file/1/MpQuestionContent/27819>.

The answers of the Ministry of Defence are, in most cases, meaningful and address the questions of the deputies.

The fact that one MP submits most of the questions to the Ministry of Defence of Georgia shows the lack of interest on the part of Members of Parliament. Moreover, the reason may also be the lack of corresponding expertise in the field of defence. However, it is obvious that in terms of oversight of the Ministry of Defence, the questions mechanism largely depends on the individual interest and efforts of several opposition MPs.

## MINISTER'S HOUR

The Minister's Hour was held on 17 October 2023 with the participation of the Minister of Defence of Georgia. Unlike the Minister of Internal Affairs, the report of the Minister of Defence was less structured. The Minister of Defence spoke before the parliament about the agency's international cooperation, the planned purchases of armaments, infrastructure and logistic projects, the social security system of military personnel and the development of local military production.<sup>82</sup> The Minister's Hour, including the MPs' Q&A session, lasted almost 4 hours after the minister's report.<sup>83</sup> The MPs' questions concerned almost all aspects of the agency's activity. The answers, in this case too, were general in nature.

## TRUST GROUP

The Democracy Research Institute requested public information from the Parliament of Georgia regarding the activities of the Trust Group. According to the information received,<sup>84</sup> the Trust Group held 11 sessions from 1 January 2023 to 30 November 2023. In particular, representatives of the Ministry of Defence participated in four sessions of the Trust Group. Among them, the Minister of Defence and his deputies attended the session held on 27 March

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<sup>82</sup> Written Report of the Minister of Defence of Georgia Juansher Burchuladze, [https://web-api.parliament.ge/storage/files/shares/zedamxedveloba/ministris-saati/2023/burtchuladze\\_17\\_10\\_2023.pdf](https://web-api.parliament.ge/storage/files/shares/zedamxedveloba/ministris-saati/2023/burtchuladze_17_10_2023.pdf).

<sup>83</sup> The Minister's Hour, Juansher Burchuladze, the Minister of Defence of Georgia, <https://www.youtube.com/watch?v=caWVje27O9A&t=1s>.

<sup>84</sup> Letter no. 10704/2-7-1/23 of the Office of the Parliament of Georgia, dated 20.12.2023.

2023. At the session held on 19 June 2023, the Deputy Minister of Defence, the Commander of the Georgian Defence Forces and the Head of the Operational Planning Department of the Georgian Defence Forces were present. At the session held on 29 September 2023, the Deputy Minister of Defence and the Deputy Commander of the Defence Forces of Georgia were present. At the session held on 13 October 2023, the Deputy Minister of Defence and the Head of the Procurement Department were present. The level of accountability with the Trust Group of the Ministry of Defence is relatively high, unlike other security agencies. Representatives of this agency, including the highest official – the Minister of Defence, attend the sessions of the Trust Group more often and participate in the deliberations. Taking into account the general secrecy of the activities of the Trust Group, it is impossible to assess the oversight of the activities of the Ministry of Defence by the Trust Group in more detail.

## SUMMONING OFFICIALS TO SESSIONS

According to the information received from the Parliament of Georgia,<sup>85</sup> the Reforms Group and the political group For Georgia summoned the Minister of Defence of Georgia to the session of the Defence and Security Committee, based on the request of 22 June 2023. According to the MP who initiated the summons, it was decided to summon the minister to discuss the construction of a new airport near the Vaziani military base.

According to another communication received from the parliament, the minister was heard at the committee session, although the date of the minister's hearing was not specified in the letter. Information about the above is not found on the website of the parliament either.<sup>86</sup>

Furthermore, it was mentioned in the communication received from the Office of the Parliament of Georgia that, during the reporting period, the Minister of Defence of Georgia had not attended the session of the Defence and Security Committee on his own initiative.

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<sup>85</sup> Letter no. 10705/2-7-1/23 of the Office of the Parliament of Georgia, dated 20.12.2023.

<sup>86</sup> See <https://parliament.ge/supervision/committee-attendances>.

## OTHER OVERSIGHT MECHANISMS

Since the enforcement of the new Rules of Parliament, the mechanism of interpellation of the Minister of Defence and summoning an official to the plenary session has not been used.

### 4. THE 2022 REPORT OF THE STATE SECURITY SERVICE

A critical assessment of the 2022 report on the activities of the State Security Service is presented in the 2023 interim report<sup>87</sup> of the Democracy Research Institute. Since the Head of the State Security Service is obliged to submit a report annually, and as a new report could not be reviewed during the reporting period, this document discusses the shortcomings related only to the hearing of the report submitted by the Head of the State Security Service at the plenary session.

The Parliament of Georgia heard the annual report presented by the Head of the State Security Service at the plenary session on 19 October 2023. Similar to the previous years, the parliament refused to make the session public and closed the MPs' Q&A session after the presentation of the report.

The report of the Head of the State Security Service closely followed the annual report on the activities of the State Security Service, which had long been published on the websites of the Parliament of Georgia and the State Security Service and had been publicly available. Therefore, by closing the discussion part of the report of the State Security Service, the public was not given the opportunity to receive information from the Head of the State Security Service on current issues, which had not been reflected in the report of an extremely abstract nature.

When reading the publicly available report at the parliamentary session, the Head of the State Security Service repeated vague and contradictory

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<sup>87</sup> democracyresearch.org (webpage), Importance of Parliamentary Oversight of the Security Sector and Its Challenges, p. 38, 2023, [https://www.democracyresearch.org/files/2871.09.2023%20geo%20\(1\).pdf](https://www.democracyresearch.org/files/2871.09.2023%20geo%20(1).pdf).

terminology that made it difficult to understand who the agency sees as the source of danger and destabilisation, namely, civil organisations or pro-Russian far-right groups. The evaluation of the State Security Service seemed even more ambiguous and vague against the background of the agency summoning representatives of public organisations for questioning, the ruling party initiating the so-called Foreign Agents' Law and uncontrolled and unpunished violent actions of Alt Info and other far-right groups. With the closing of the Q&A part of the review of the report, information about the ongoing investigation into the connection of the former Prosecutor General Otar Partskhaladze with the Russian special services remained unavailable to the public.

Taking into account that the discussion of the report of the activities of the State Security Service at both the committee and the plenary session was not public, it is impossible to have a meaningful discussion about the efficiency of the parliamentary discussion and oversight.

Conducting the review process behind closed doors undermines the effectiveness of democratic oversight, as the public is not given the opportunity to evaluate and receive information on any aspects of the activities of the State Security Service. The Democracy Research Institute calls on the Parliament of Georgia to hold discussions in a selective manner and, instead of completely closing the Q&A session, close only those parts of the session that contain secret information and do not require public discussion.

## KEY FINDINGS

- With the implementation of the new Rules of Parliament of Georgia in 2018, parliamentary oversight mechanisms were improved, although a number of shortcomings remained;
- In the process of fulfilling the 12 priorities of the European Commission, despite the positive changes made to the Rules of Parliament of Georgia, a number of gaps remained in terms of parliamentary oversight;
- Parliamentary oversight mechanisms for the parliamentary opposition are limited. In many cases, the implementation of oversight mechanisms depends on the consent of the parliamentary majority;
- The ruling party does not have the political will to implement parliamentary oversight of the security sector;
- To implement effective supervision, Members of Parliament of Georgia should more actively use the oversight mechanisms provided by the Rules of Parliament currently in force;
- The role of the opposition in the activities of the Trust Group is limited;
- The Parliament of Georgia is not in a position to assess the activities of the Trust Group as the sessions of the group are closed. The Trust Group is not obliged under the Rules of Parliament to inform the parliament about its activities;
- The level of accountability of officials of security agencies is low. Despite the request to attend committee sessions under the Rules of Parliament, the officials fail to appear before the committees;
- The parliamentary opposition is not entitled to summon independently the Head of the State Security Service to a parliamentary committee's sessions;
- During the reporting period, the smallest number of written questions were sent to the State Security Service;
- The State Security Service answered all written questions;
- During the reporting period, 103 written questions were sent to the security agencies, 17 of which were left unanswered;
- During the reporting period, representatives of the majority sent no written questions to the State Security Service or the Ministry of Defence;
- Analysis of the questions submitted by Members of Parliament reveals that there is a need to have a group of qualified specialists working with

the committees of the parliament, who would advise and help Members of Parliament to expand substantive areas of oversight;

- In 2023, the interpellation mechanism was used for the first time with regard to the Minister of Internal Affairs;
- Since December 2018, the interpellation mechanism has not been used even once with regard to the Minister of Defence or the Head of the State Security Service;
- During the reporting period, representatives of the parliamentary opposition used the mechanism of summoning the Minister of Defence and the Minister of Internal Affairs to the committee. The Minister of Internal Affairs did not appear at the session;
- In relation to the Head of the State Security Service, the mechanism of summoning to the sessions of the committee has not been used;
- Since December 2018, the mechanism of summoning to the plenary session has not been used for the heads of security agencies;
- Confidentiality of the statutes of the departments of the State Security Service prevents effective parliamentary oversight;
- The Law of Georgia on State Secrets provides for disproportionately long terms for accessing state secrets, which prevents the implementation of effective parliamentary oversight;
- In the 2022 report of the State Security Service, a number of important issues are omitted or formally mentioned, concrete analysis or activity outcomes are not presented;
- The Parliament of Georgia continued the established negative practice of holding Q&A session behind closed doors after the presentation of the report of the State Security Service; and
- Despite the amendments made to the Rules of Parliament, the 2022 report of the State Security Service was again presented to the committee hearing by the Deputy Head of the State Security Service in violation of the Rules of Parliament of Georgia.